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January 8, 2016

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Honorable Charles R. Breyer
U.S. District Court, Northern District California
450 Golden Gate Avenue
San Francisco, California 94102

Re: *Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products
Liability Litigation*, No. 3:15-md-2672-CRB.
DEALER TRACK LEADERSHIP APPLICATION

Dear Judge Breyer:

With the support of the greatest number of counsel for the independent automobile dealers in this MDL, I request appointment to serve as co-lead counsel of a dealer track which will represent the unique interests of the dealer plaintiffs ("dealer track"). The Court has observed that the dealers' claims involve issues distinct from those of the consumer plaintiffs. To facilitate the interests of both groups, the dealers should be separately represented in the court-appointed leadership. This permits the dealer track to focus on dealers' separate issues without complicating the functioning of the consumer track.

Many lawyers for the dealers already have been working together to organize a comprehensive and efficient dealer track leadership group. I identify them on Exhibit A, the third page of this letter. We are proud to note that this group is supported by prominent counsel of the consumer track cases, who also agree with the concept that a dealer track is appropriate in this litigation. Exhibit A includes these supporters.

The remainder of this letter addresses the eight factors set forth in Pretrial Order No. 2.

Honorable Charles R. Breyer

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Professional Experience in this type of litigation. I was lead counsel in the class actions listed on my attached resume. I served on the pleadings committee in MDL 1206, *In re Lease Oil Litig.*, 200 F.3d 317 (5th Cir. 2000). In a broader sense, I have extensive experience in legal writing, in litigation involving technical matters, and in litigation involving international parties.

Names and contact information of judges in the matters above. I expect that the trial judge in the Neurontin litigation will be able to provide the Court with the most accurate assessment of my performance. He is Judge Mark A. Bernstein, 215-686-7335. Judge Motz, from the Microsoft antitrust MDL, may remember me. Although he is on senior status, he can be reached at 410-962-0782.

Willingness and ability to immediately commit to time-consuming litigation. I would not be making this application if I lacked either quality.

Willingness and ability to work cooperatively with other plaintiffs' and defense counsel. I am collegial and congenial. I have never had difficulty interacting with my allies or my opponents.

Access to resources to prosecute the litigation in a timely manner. My firm has the resources to hold up its part of the dealer track effort.

Willingness to serve as lead counsel, member of steering committee, or both. I wish to be a member of the leadership group of the dealer track, however it is formulated.

Particular category I want to represent. My dealer track client (Brown Daub Chevrolet) is one of a handful of plaintiffs which have filed Lanham Act cases. The Lanham Act group is small, not warranting a separate track of Lanham Act cases. Those cases have much in common with the other dealer cases, and I wish to represent the dealer track category.

Other considerations. Philadelphia is centrally located on the east coast, and is within a few hours' drive of Volkswagen's New Jersey and Virginia offices.

Thank you for your attention to my request.

Very truly yours,
/s/ John K. Weston